

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6368 of 2018**

Mukesh Dewar S/o Late Taren Dewar Aged About 20 Years R/o-
Kukur Beda, P.S.- Swarwati Nagar And District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- P.S. Amleshwar, District- Durg,
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Anmol Sharma, Advocate
For the State	:	Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.86/2017 registered at Police Station Amleshwar, District Durg (C.G.) for the offence punishable under Sections 341, 342, 363, 366, 376 of IPC and Section 4 of POCSO Act.
3. Case of the prosecution, in brief is that on 14/06/2017 prosecutrix was more than 16 years old. She is resident of Amleshwar, District Durg. On 14/06/2017 applicant took away the prosecutrix. They roamed so many places by auto. Applicant took her in his house and committed forcibly sexual intercourse with her. Her parents reached there and took back her.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail

application. He further submits that there is no antecedents against the applicant.

6. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde